UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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CARL E. DUNCAN,

Plaintiff,

Case No. 3:17-CV-00460-RCJ-WGC

ORDER

VS.

RAMON OLIVAS, et al.,

Defendants.

Plaintiff Duncan comes before this Court objecting to the Magistrate's Order (ECF No. 38) denying Duncan's request to have a default judgment entered against Defendant Mosely (ECF No. 37). ECF No. 41. On January 29, 2019, the Nevada Attorney General's Office, through its representatives AG Ford and DAG Albright, accepted service on behalf of defendants Belanger, Bennett, Carpenter, Fonoimoano, and Olivas. ECF No. 19. However, service was denied with respect to defendants Chan, Mosely, and Owens, as they are no longer employees of the Nevada Department of Corrections. *Id.* Duncan claims that because he was forced to have Mosely served personally, the Nevada AG may not validly represent her in its Answer (ECF No. 26) submitted on March 18, 2019, and therefore Mosely is in default for not submitting an answer. ECF No. 41. However, Duncan points to no authority for the conclusion that denial of service disqualifies an entity from later representing a party after service has been perfected. Accordingly, Duncan's objection to the Magistrate Order (ECF No. 38) is DENIED.

Duncan also objects to the Magistrate's Order (ECF No. 43) denying Duncan's Request for an Appointment of Counsel (ECF No. 39). ECF No. 45. In its denial of the Motion, the Magistrate Court correctly states the controlling law and properly applies the analysis set forth in

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Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). Therefore, Duncan's objection to the Magistrate Order (ECF No. 38) is DENIED.

CONCLUSION

IT IS HEREBY ORDERED that the Defendant's Objection to the Magistrate Order Denying Default Judgement (ECF No. 41) is DENIED.

IT IS FURTHER ORDERED that the Defendant's Objection to the Magistrate Order Denying the Request for Appointment of Counsel (ECF No. 45) is DENIED.

IT IS SO ORDERED.

DATED: This 12th day of September, 2019.

ROBERT C. JONES United States District Judge